

*The actions delineated below were taken in open session of the EPSB at the April 26, 2021, webcast meeting. This information is provided in summary form; an official record of the meeting is available in the permanent records of the Education Professional Standards Board (EPSB), 300 Sower Boulevard, 5<sup>th</sup> Floor, Frankfort, KY 40601.*

**Education Professional Standards Board (EPSB)  
Minutes  
Kentucky Department of Education  
300 Sower Boulevard, 5<sup>th</sup> Floor, Frankfort, KY 40601**

**Call to Order**

Chair Lisa Rudzinski called the meeting to order at 9:04 a.m. ET. In an effort to prevent the spread of the novel Corona Virus (COVID-19) this meeting was conducted by video teleconference. Elijah Edwards read the mission statement to the EPSB and audience.

**Roll Call**

The following Board members were present during the April 26, 2021, EPSB meeting: Elijah Edwards, Cathy Gunn, Donna Hedgepath, Traci Hunt, Jacqueline Mayfield, Justin Mitchell, Sherry Powers, Lisa Rudzinski, Amber Snell and Julian Vasquez-Heilig.

CPE: Amanda Ellis

Cabinet: John Lyons

**Approval of Consent Items**

**2021-98**

Approval of February 8, 2021, EPSB Meeting Minutes

Emergency Non-Certified Personnel Program

*Motion made by Dr. Sherry Powers, seconded by Ms. Traci Hunt, to approve the consent agenda items.*

**Vote:** *Unanimous*

**Report of the Executive Secretary**

Commissioner Jason Glass shared that staff at the Kentucky Department of Education (KDE) have been busy in the post session on following up on some of the items that were passed into law. We've spent an extraordinary amount of time on SB 128, which provides an additional year for supplementing this past year on what students missed out on due to COVID-19. The intent of that is to allow students to make up for or repeat experiences that they otherwise would not have had. We have put forth guidance on both the KDE side and the KHSSA side to provide some clarity around those items.

A positive item from the Legislative Session was the addition of Kindergarten funding for the next school year and we are excited about those funds. There was also late in the Session an addition of 127 million dollars for school construction purposes that will run through FCC and another \$75

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million that are used to be used for locally operated Career and Technical Education Centers.

Another complexity that we will be working on that relates to the school choice and private tax credit bill is House Bill 563. There are two parts of the bill that we're really focused on and it's the public school choice side. This is where students move from one district to another and it will allow the funds to transfer into other districts. Whatever plan we come up with, it will be litigated, and a court will ultimately decide what that will look like.

A high priority now is that the state has received part of the third wave ESSER funds and we have received over two billion for K-12 education in Kentucky. There are more restrictions and hoops to work around but we are receiving guidance from the US Department of Education. We are looking forward to what districts will do with these funds to create experiences for students.

I want to update you on the search for the Associate Commissioner for OELE. As you may know, Rob Akers has announced his retirement. He is leaving us in a good place, and we want to thank him for all his hard work and the impact he has made on the state. We have selected a group of EPSB members to look at candidates before they go to KDE and me for the final selection/interview.

### **Report from the Council on Postsecondary Education**

Amanda Ellis shared out updates from the Council on Postsecondary (CPE). CPE recently received 2.1 billion in a grant from the James Graham Brown Foundation to house the KY student success collaborative. This will be the first state-wide center in the country that works with two and four-year institutes linking campuses with business leaders and state policy makers. The goal is to help campuses develop an innovative approach that will improve graduation rates, close equity gaps and enhance workforce development for emerging leaders in higher education.

A few weeks ago, CPE and Gear up Kentucky had a Path Forward Forum. We had over 400 participants to attend with a combination of K-12 and postsecondary coming together moving forward during this different time we are facing. It was a great convening and lots of learning.

We were given about 3 million dollars from the Gears Funding through the Lieutenant Governor's office with the CARES funding. This is going to help us with proposals for our Summer Bridge Programs for incoming freshmen into college campuses or freshman going into their sophomore year. We know it was a very different year this past year with many students struggling academically and socially. We had to focus on providing additional supports to help them succeed. We are so pleased that we have 29 applicants and we have received them from the KCTCS campuses, private and public four-year institutions. We are in the process of scoring them now and we will make the announcements soon.

The Commonwealth Education Continuum had its first set of work group meetings. We opened it up for the public to participate as well. We are very pleased with how well it was attended. We have great interest and momentum from around the state to really improve this area of the pipeline of transition preparedness and the success.

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### **Report from the Cabinet**

John Lyons shared that the Cabinet is focusing on the 4 E's: expansion, exposure, experience, and expertise. The exposure is on two different pathways and as we continue to develop what those CTE pathways will look like, the Workforce Innovation Board and the office of Career and Technical Education are working together to begin to put that list together of what those CTE items will look like for our future and students.

We are also doing work through the Perkins Leadership monies. We have finalized those recipients for the past year and already beginning to work on what that will look like with our leadership monies going forward and the innovative approaches in our postsecondary institutions to be able to support them.

In the experience category, the Cabinet is really focused on developing different work-based learning opportunities to give our students experience and the soft skill experience to be successful as they move forward.

We are excited to be able to support the EPSB and thank you for giving the opportunity to share today.

### **Report of the Associate Commissioner**

Rob Akers shared that it was good to be here with everyone and thanked Dr. Glass for the opportunity to share. OELE is proud to be the office that staffs and supports the work of the EPSB and I'm very proud of that work.

On the Ed Prep side, the office is continuing with the Program Review and Accreditation visits, with a very small staff who are getting the work done and partnering with Ed Prep Providers. We are currently working to develop a new model and process to use for program review and we anticipate being able to pilot the process that we feel it is more reflective and evidence based versus the input model that we are currently using. This process has been used and tested by some of our education principal prep programs and has received some really good feedback and it's called the Quality Measures Program. We are going to be working to pilot that in the Fall and Todd Davis is leading that work along with our Ed Prep Branch.

Certification Branch has launched and signed a contract with Randa to develop our platform and which has been 2 years in the making. Currently, there are 60 home grown applications that have been developed over the past 20 years that are being managed by 4 people to do all the electronic work. At that time, there wasn't a market for these programs, and they were created and developed in-house. Finally, there is a market and there are vendors out there who are doing this work and so part of the KDE model is to try to have programs and platforms hosted by vendors and operated by us. We are planning to test the certification side of things with our December graduates to make sure the kinks are worked out before graduation time next year. There will be an automated part in this system for certification and renewal, and we will be able to provide a much better product and service. There will also be new Program Review and Legal cases systems to help support these programs. We are excited to sign with Randa and we are beyond excited to launch this new program. I want to shout out to the Technology Office and the Finance Office with their help in managing this.

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Peak time is coming up for our Certification branch and looking back at 2019 during COVID, the Branch was able to get the work done in less time and was more efficient without hiring additional staff. We want to recognize their efforts and hard work.

Today, you will have a lot of work to do and regulations to review. I would like to call your attention to a couple of areas. There is a revision for 16 KAR 5:020 which is the regulation that sets the standards for admission into the educator prep programs. This was last brought to you in October and has been over a year in the making with our Associates from the KY Association of Colleges of Teacher Education (KACTE). They made a proposal in February 2020 at the ACTE Conference in Atlanta. We brought it to the EPSB in the fall then we sent it back to KACTE after some considerable dialogue to make sure the recommendation went as far as we thought was appropriate. I'm pleased that we're going to propose multiple measures for admission beyond just simply practice. I feel like we are moving in the right direction and you will be reviewing and considering that for approval today. I'm also going to be presenting two Option 7 Programs and I'm excited to be bringing those to you for consideration.

As Dr. Glass referenced this will be my last meeting with the ESPB. I will be retiring effective May 1<sup>st</sup> with 28 years of service in Education. A new Associate Commissioner will be working with you in June. It's been a pleasure and privilege serving the board since 2016 as a board member, a board chair, and my latest role as an Associate Commissioner. It has really been incredible learning so much more about educator prep and certification and how policy is developed and implemented at the state level. It has been a true pleasure working with all the EPSB staff and team members. I wish I had more time to share something about each of our team members but, I'll be sharing with them at our OELE Team meeting later this week. I would also like to say that I have been blessed to work with all of our team members who are all professionals who give their all everyday to support opportunity and access for all the kids of Kentucky with effective teaching and strong instruction. I would like to specially give a few words of thanks to Dr. Wayne Lewis, former Commissioner, who gave me the opportunity to do this work. To Interim Commissioner Kevin Brown, for his support during a very difficult transitional time and to Dr. Glass, for his support, vision and model of empowering his Associates to carry the work forward. My approach to the work has been to try to develop a climate of collaboration and support and I believe we've made some progress toward that goal over the past two and half years. It's always my goal that maybe we will be a little bit better today than we were yesterday and a little better tomorrow than we are today. Thank you for the opportunity to provide this report and share my appreciation with the board and OELE team.

### **Report of the Chair**

#### **Recognition of Former EPSB Members**

Chair Rudzinski recognized former EPSB members Sara Green, Mary Pat Regan, Steven Scrivner and Josh Trosper and thanked them for their service.

#### **Appointment to the Waiver Committee**

Chair Rudzinski appointed Traci Hunt as a member of the Waiver Committee. Ms. Hunt will represent school administrators on the committee.

#### **Appointments to the Code of Ethics Review Committee**

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In addition to herself, Chair Rudzinski appointed Cathy Gunn, Donna Hedgepath, Traci Hunt, Jacqueline Mayfield, and Justin Mitchell to the Code of Ethics Review Committee.

#### Nomination and Election of Vice Chair

Dr. Donna Hedgepath nominated Justin Mitchell to serve as Vice Chair. Dr. Amanda Ellis seconded the nomination.

**2021-99**

**Vote:** *Unanimous*

#### Information/Discussion Items

##### 16 KAR 2:180. One (1) Year Conditional Certificate, Amendment

Ms. Cassie Trueblood presented amendments to 16 KAR 2:180 to the EPSB for a first reading.

##### 16 KAR 3:070. Endorsement for Individual Intellectual Assessment, Amendment

Ms. Trueblood presented amendments to 16 KAR 3:070 to the EPSB for a first reading.

##### 16 KAR 4:050. Dating of Certification, Amendment

Ms. Trueblood presented amendments to 16 KAR 4:050 to the EPSB for a first reading.

#### Action Items

##### 16 KAR 3:060. School Counselor Provisional and Standard Certificates, All Grades, Amendment

**2021-100**

*Motion made by Mr. Justin Mitchell, seconded by Ms. Amber Snell, to approve.*

**Vote:** *Unanimous*

##### 16 KAR 5:020. Standards for Admission to Educator Preparation, Amendment

**2021-101**

*Motion made by Dr. Amanda Ellis, seconded by Ms. Cathy Gunn, to approve.*

**Vote:** *Unanimous*

##### 16 KAR 9:020. Provisional Certificate for College Faculty, Expiration

**2021-102**

*Motion made by Mr. Eli Edwards, seconded by Ms. Jacqueline Mayfield, to approve.*

**Vote:** *Unanimous*

##### 16 KAR 9:090. University-Based Alternative Certification Program for Teachers of World Languages, Amendment

**2021-103**

*Motion made by Ms. Traci Hunt, seconded by Mr. Justin Mitchell, to approve.*

**Vote:** *Unanimous*

##### Option 7 Institute Proposal, Central Kentucky Educational Cooperative

**2021-104**

*Motion made by Dr. Amanda Ellis, seconded by Ms. Jacqueline Mayfield, to approve. (Donna Hedgepath and Julian Vasquez-Heilig recused).*

**Vote:** *Unanimous*

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Option 7 Institute Proposal, Nelson County Schools

**2021-105**

*Motion made by Dr. Amanda Ellis, seconded by Ms. Amber Snell, to approve. (Donna Hedgepath and Julian Vasquez-Heilig recused).*

**Vote:** *Unanimous*

**Waivers**

16 KAR 5:040. Request to Waive Required Number of Student Teaching Days Due to District Closures

**2021-106**

*Motion made by Mr. Justin Mitchell, seconded by Ms. Jacqueline Mayfield, to approve. (Donna Hedgepath recused).*

**Vote:** *Unanimous*

16 KAR 5:040. Alternative Student Teaching Placement Request for Alyssa Francis

**2021-107**

*Motion made by Ms. Jacqueline Mayfield, seconded by Ms. Amber Snell, to approve.*

**Vote:** *Unanimous*

16 KAR 3:090. Request to Waive Requirements for Admission to the Director of Special Education Program for Stacy Liguori

**2021-108**

*Motion made by Ms. Jacqueline Mayfield, seconded by Ms. Tracy Hunt, to approve.*

**Vote:** *Unanimous*

16 KAR 8:020. Request to Allow Master of Higher Education Administration for Rank II for Julia Parsons

**2021-109**

*Motion made by Mr. Elijah Edwards, seconded by Dr. Amanda Ellis to deny.*

**Vote:** *Unanimous*

16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Frederick Whittaker

**2021-110**

*Motion made by Ms. Amber Snell, seconded by Mr. Justin Mitchell to approve.*

**Vote:** *Unanimous*

16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for April Wilhoite

**2021-111**

*Motion made by Ms. Cathy Gunn, seconded by Ms. Amber Snell, to approve.*

**Vote:** *Unanimous*

16 KAR 6:010. Request to Waive Five Year Test Recency Requirement for Mary Shoemaker

**2021-112**

*Motion made by Ms. Cathy Gunn, seconded by Ms. Jacqueline Mayfield, to approve. (Sherry Powers recused).*

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**Vote:** *Unanimous*

**Alternative Route to Certification Applications**

Stacy Von Roenn, American Sign Language, All Grades

**2021-113**

*Motion made by Dr. Donna Hedgepath, seconded by Dr. Amanda Ellis, to approve.*

**Vote:** *Unanimous*

Cristina Crocker Escribano, Middle School English, Grades 5-9

**2021-114**

*Motion made by Ms. Traci Hunt, seconded by Ms. Cathy Gunn, to approve.*

**Vote:** *Unanimous*

*Motion made by Dr. Sherry Powers and seconded by Dr. Amanda Ellis, to go into closed session to conduct a character and fitness review and to review potential actions relating to complaints and reports in accordance with KRS 61.810(1) (c) & (j). The Board also reviewed pending litigation.*

**Vote:** *Unanimous*

Motion made by Ms. Snell, seconded by Ms. Mayfield, to return to open session.

**Vote:** Unanimous

**The following board members concurred with the actions as listed below with the noted exceptions:**

Elijah Edwards, Amanda Ellis, Cathy Gunn, Donna Hedgepath, Traci Hunt, John Lyons, Jacqueline Mayfield, Justin Mitchell, Sherry Powers, Lisa Rudzinski, and Amber Snell

Attorneys present were Luke Gilbert, BreAnna Listermann, Norah Softic, Cassie Trueblood, and Chelsea Young.

**Initial Case Review**

**Case Number**

**Decision**

|          |                  |
|----------|------------------|
| 210143   | Admonish         |
| 210145   | Admonish         |
| 20101465 | Admonish         |
| 210125   | Attorney Review  |
| 210137   | Attorney Review  |
| 210135   | Attorney Review  |
| 2102159  | Attorney Review  |
| 20121591 | Attorney Review  |
| 20121585 | Attorney Review  |
| 2102165  | Admonish & Train |

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|          |                    |
|----------|--------------------|
| 210133   | Defer for Training |
| 20101389 | Attorney Review    |
| 20121573 | Attorney Review    |
| 20121571 | Defer for Training |
| 20121595 | Attorney Review    |
| 210127   | Attorney Review    |
| 210131   | Attorney Review    |
| 210129   | Attorney Review    |
| 21013    | Attorney Review    |
| 20121575 | Attorney Review    |
| 210117   | Admonish & Train   |
| 21019    | Admonish & Train   |
| 210115   | Dismiss            |
| 20121569 | Dismiss            |
| 20121637 | Defer for Training |
| 20121625 | Dismiss            |
| 20121627 | Dismiss            |
| 20101419 | Dismiss            |
| 20121623 | Dismiss            |
| 210151   | Dismiss            |
| 20101405 | Dismiss            |
| 20101417 | Defer for Training |
| 20101401 | Dismiss            |
| 20121607 | Dismiss            |
| 20121639 | Dismiss            |
| 20121629 | Defer for Training |
| 210173   | Dismiss            |
| 20121503 | Dismiss            |
| 20121601 | Dismiss            |
| 210159   | Dismiss            |
| 210161   | Dismiss            |
| 20121645 | Defer for Training |
| 20121655 | Defer for Training |
| 20121657 | Defer for Training |
| 20121633 | Dismiss            |
| 210179   | Dismiss            |
| 20121659 | Dismiss            |
| 20121635 | Dismiss            |
| 20121647 | Defer for Training |
| 210163   | Dismiss            |
| 20121615 | Defer for Training |
| 20121613 | Dismiss            |
| 210165   | Dismiss            |
| 20121643 | Dismiss            |
| 210177   | Dismiss            |
| 20121617 | Dismiss            |

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|           |                    |
|-----------|--------------------|
| 210149    | Dismiss            |
| 210153    | Dismiss            |
| 20121641  | Dismiss            |
| 20121611  | Dismiss            |
| 20121609  | Dismiss            |
| 210167    | Dismiss            |
| 20121631  | Defer for Training |
| 20121649  | Dismiss            |
| 210181    | Dismiss            |
| 210157    | Dismiss            |
| 210171    | Dismiss            |
| 20121619  | Defer for Training |
| 20121605  | Dismiss            |
| 210119    | Defer for Training |
| 20101473  | Attorney Review    |
| 20101499  | Attorney Review    |
| 20101479  | Defer for Training |
| 2102141   | Admonish & Train   |
| 2102139   | Defer for Training |
| 2102137   | Defer for Training |
| 210139    | Dismiss            |
| 210141    | Attorney Review    |
| 20121561  | Admonish & Train   |
| 20071245  | Refer to Hearing   |
| CF 201585 | Refer to Hearing   |
| 2003669   | Refer to Hearing   |
| 20061105  | Dismiss            |
| 1908815   | Dismiss            |
| 1608525   | Dismiss            |
| 19111123  | Dismiss            |
| 19111131  | Dismiss            |
| 19111113  | Dismiss            |
| 2002433   | Dismiss            |
| 2002483   | Dismiss            |
| 20071333  | Dismiss            |
| 20061171  | Dismiss            |
| 20061175  | Dismiss            |
| 2004899   | Dismiss            |
| 20071251  | Dismiss            |
| 2004885   | Dismiss            |
| 2004905   | Dismiss            |
| 20061077  | Dismiss            |
| 20061063  | Dismiss            |
| 20121565  | Dismiss            |

**Character/Fitness Review**

Case Number

Decision

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|       |         |
|-------|---------|
| 21165 | Deny    |
| 21225 | Approve |
| 21227 | Approve |
| 21243 | Approve |
| 21251 | Approve |
| 21290 | Approve |
| 21383 | Approve |
| 21393 | Approve |
| 21421 | Approve |
| 21429 | Approve |
| 21461 | Approve |
| 21484 | Approve |
| 21491 | Approve |
| 21478 | Approve |
| 21507 | Approve |
| 21150 | Deny    |
| 21166 | Approve |
| 21186 | Approve |
| 21301 | Approve |
| 21339 | Approve |
| 21362 | Approve |
| 21363 | Approve |
| 21400 | Approve |
| 21435 | Approve |
| 21437 | Approve |
| 21442 | Approve |
| 21510 | Approve |

*(Ms. Rudzinski dissented)*

**Agreed Orders**

Case Number

Decision

**2003661 Edward Wasson  
is**

**Accept Agreed Order stating Certificate number 37022**

**hereby permanently revoked. Wasson agrees to neither apply for nor be issued a teaching, administrative, or emergency substitute certificate in the Commonwealth of Kentucky for the remainder of his lifetime.**

Vote: *Unanimous*

20101439 James Hindman

Accept Agreed Order stating Hindman agrees that he shall neither apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Hindman, or on his behalf, shall be denied.

**Vote:** *Unanimous*

20101451 Matthew Gunterman

Accept Agreed Order stating Certificate Number 201196579 is permanently revoked. Gunterman shall neither apply for nor be issued a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future.

**Vote:** *Unanimous*

2002471 Beverly Hinkle

Accept Agreed Order stating Hinkle is currently retired from teaching but continues to substitute teach when she is able. Hinkle has no plans to participate in state testing in the future, and her school district has assured the Board that Hinkle will not participate in state testing unless there are no other proctors available. Hinkle agrees that prior to participating in state testing that she will complete Administration Code training and provide such proof to the Board. If Hinkle fails to provide proof of completion to the Board prior to participating in state testing, Certificate Number 200009318 shall be administratively suspended until such proof is provided.

**Vote:** *Unanimous*

180199 Rhonda Swann

Accept Agreed Order stating Swann is retired and Certificate Number 199901751 is expired. Swann agrees to neither apply for nor be issued any teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Swann, or on her behalf, shall be denied.

**Vote:** *Unanimous*

19015 Suleiman Agonva

Accept Agreed Order stating Certificate Number 201200458 is expired, and Agonva no longer resides in Kentucky. Prior to renewing a certificate and/or applying for a new certificate in Kentucky, Agonva shall first submit written proof that he has completed Classroom Management training, as approved by the Board. If Agonva fails to submit proof of training with his next application, then his application will not be processed until the Board receives the proof of training. Agonva is aware that should he violated KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

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**Vote:** *Unanimous*

20101467 Derrick Elliott

Accept Agreed Order stating Certificate Number 67468 is expired. Elliott shall neither apply for nor be issued any teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Elliott, or on his behalf, shall be denied.

**Vote:** *Unanimous*

20101453 Jerrod Dean

Accept Agreed Order stating Certificate Number 201172910 is voluntarily surrendered. Dean agrees to not apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Dean shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 300 Sower Blvd, 5th Floor, Frankfort KY 40601.

**Vote:** *Unanimous*

2002359 Amy Pickard

Accept Agreed Order suspending Certificate number 29384 from June 1, 2020 to August 1, 2020. Pickard shall neither apply for, nor be issued, a teaching, emergency and/or administrative certificate in the Commonwealth of Kentucky during the suspension period.

Prior to accepting a certified position in the Commonwealth of Kentucky, Pickard shall undergo a fit for duty assessment by a Board approved, medical professional and submit written proof to the Board that she has been found fit to perform her duties. Any expense required for said assessment and follow-up shall be paid for by Pickard. Failure to do so will result in an administrative suspension of her certificate until such condition is satisfied.

Prior to accepting a certified position in the Commonwealth of Kentucky, Pickard shall undergo a comprehensive substance abuse assessment by a Board approved, licensed counselor and submit written proof to the Board. Any expense required for said assessment and follow-up shall be paid for by Pickard. Failure to do so will result in an administrative suspension of her certificate until such condition is satisfied.

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Upon accepting a certified position, Certificate number 29384 will be on probation for a period of five (5) years with the following conditions:

1. If Pickard's substance abuse assessment recommends any treatment, Pickard shall submit written progress reports from a licensed counselor on January 1st and July 1st, each year of her probation, indicating she is continuing to be sober, until such time as the counselor releases her from treatment. Each progress report shall certify that Pickard is continuing to comply with any and all treatment recommendations, and that she remains fit and competent to fulfill her duties as an educator. Failure to do so shall result in an administrative suspension until such condition is satisfied.
2. Pickard shall submit to random alcohol screening tests, to be administered by a provider approved by the Board and shall receive no test that is positive for alcohol. Pickard shall pay any expense incurred. If Pickard fails to satisfy this condition, Certificate Number 29384 shall be administratively suspended pending Board review and disposition.
3. Pickard shall notify the Board within thirty days of accepting a certified position in the Commonwealth of Kentucky. If Pickard fails to satisfy this condition, Certificate Number 29384 shall be suspended for a period of ten days.
4. Pickard shall not receive any disciplinary action related to intoxication from any school district in the Commonwealth of Kentucky.

“Disciplinary action” is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested by either tribunal/ or arbitration process.

Failure to abide by this probationary condition will result in an administrative suspension pending Board review and disposition.

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Pickard is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

2003665 Regina Farrell

Accept Agreed Order suspending Certificate No. 200102841 from July 1, 2020 to August 1, 2020.

Prior to reinstatement, Farrell shall provide written proof to the Board that she has completed a comprehensive alcohol/substance abuse assessment by a Kentucky licensed and/or certified chemical dependency counselor, as approved by the Board, and is compliant with any treatment recommendations. Farrell shall pay any expense incurred. If Farrell fails to satisfy any portion of this condition, Certificate Number 200102841 shall not be reinstated until such condition is satisfied.

Certificate Number 200102841, shall be subject to the following conditions for a period of five (5) years:

1. If the comprehensive alcohol/substance abuse assessment recommends ongoing treatment, Farrell shall provide quarterly written progress reports from a consistent counselor, beginning 3 months after the date of the assessment letter, from her counselor until she is released from treatment. Farrell shall pay any expense incurred. If Farrell fails to satisfy any portion of this condition, Certificate Number 200102841 shall be administratively suspended until such condition is satisfied.
  2. By July 1st of each year of the probation, Farrell shall provide a copy of her current criminal record, as prepared by the Administrative Office of the Courts (AOC) and shall have no convictions involving alcohol or controlled substances. Farrell shall pay any expense incurred. If Farrell fails to provide her criminal record by July 1st, Certificate Number 200102841 shall be administratively suspended until such condition is satisfied. If Farrell is convicted of a crime involving alcohol or controlled substances during the probationary period, Certificate Number 200102841 shall be administratively suspended until such condition is satisfied.
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Farrell is aware that should she violate KRS 161.120, either during or following this probationary period, the Board shall initiate new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

20101459 Justin Fussinger

Accept Agreed Order stating Certificate Number 201119867 is expired. Fussinger shall neither apply for nor be issued any teaching, administrative or emergency certificate in the Commonwealth of Kentucky at any time in the future. Any future application submitted by Fussinger or on his behalf, shall be denied.

**Vote:** *Unanimous*

20061099 Rachel Colson

Accept Agreed Order retroactively suspending Certificate Number 201124749 from June 1, 2020 to August 1, 2020. Further, Certificate Number 201124749 will be suspended from June 1, 2021 to August 1, 2021.

On or before August 1, 2021, Colson shall submit written proof to the Board that she has successfully complied with a comprehensive alcohol/substance abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with all treatment recommendations. Colson shall pay any expense incurred. If Colson fails to satisfy this condition, Certificate Number 201124749 shall not be reinstated until such condition is fulfilled.

On or before October 1, 2021, Colson shall provide written proof to the Board that she has successfully completed six (6) hours of professional development or training, as approved by the Board, on the Professional Code of Ethics for Kentucky Certified School Personnel. Any expense incurred for said training shall be paid by Respondent. If Colson fails to satisfy this condition, Certificate Number 201124749, shall be administratively suspended until such condition is satisfied.

Certificate Number 201124749 and any new endorsements or new areas of certification shall be subject to the following probationary conditions:

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1. If the evaluating chemical dependency counselor makes any treatment recommendations, Colson shall submit written progress reports on January 1st and July 1<sup>st</sup>, beginning January 1, 2022, each year of her probation, indicating compliance with treatment recommendations, until such time as the counselor releases her from treatment. Colson shall pay any expense incurred. If Colson fails to satisfy this condition, Certificate Number 201124749 shall be administratively suspended until such condition is satisfied.
2. Colson shall have no further criminal convictions involving the use and/or possession of alcohol/controlled substance. If Colson is convicted of, or enters a guilty or no contest plea, to any criminal charge involving the use and/or possession of alcohol/controlled substance, she shall submit this information to the Board, in writing, within thirty (30) days. If Colson fails to satisfy any portion of this condition, any and all certificates issued to her shall be administratively suspended pending Board review and disposition.
3. Colson shall not receive any disciplinary action involving the use and/or possession of alcohol/controlled substance, from any school district in which she is employed. If Colson fails to satisfy this condition, any and all certificates issued to her shall be administratively suspended pending Board review and disposition.

*“Disciplinary action” is defined as any termination, suspension, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process including any appeal therefrom.*

Colson is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

Number 000069525. Dietz shall neither apply for nor be issued a teaching or administrative certificate in the Commonwealth of Kentucky at any time in the future.

**Vote:** *Unanimous*

CF 201768 Derek Talbert

Accept Agreed Order stating Talbert shall be issued a Kentucky teaching certificate upon providing written proof to the Board that he has complied with a comprehensive alcohol/substance abuse assessment by a licensed or certified chemical dependency counselor, as approved by the Board, and is compliant with any treatment recommendations. Talbert shall pay any expense incurred. Talbert shall not be issued a certificate until such condition is satisfied.

Any and all certificates issued to Talbert shall be subject to the following conditions for five (5) years:

1. Talbert shall submit written proof that he has complied with a comprehensive alcohol/substance abuse assessment with any application for renewal of his certification(s) and/or for additional certification(s). Talbert shall pay any expense incurred. If Talbert fails to satisfy this condition, his application for certification renewal and/or an additional certificate shall not be processed until such condition is satisfied.
  2. In accordance with KRS 161.175(3), Talbert shall submit to random drug testing during the probationary period, to be administered by a provider approved by the Board and shall receive no drug test positive for illegal substances or in excess of therapeutic levels generally acceptable in the medical community. Any expense required for the drug testing shall be paid by Talbert. Failure to abide by this condition shall result in an administrative suspension pending Board review and disposition.
  3. Talbert shall not be convicted of nor enter a guilty or no contest plea to any criminal charge(s) other than minor traffic violations. A violation is not considered a minor traffic violation if it is a violation for which jail time may be imposed. If Talbert is convicted of, or enters a guilty or no contest plea, to any criminal
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charge other than minor traffic violations, he shall submit this information to the Board, in writing, within thirty (30) days. If Talbert fails to satisfy this condition, any and all certificates issued to him shall be administratively suspended pending Board review and disposition.

4. Talbert shall submit a copy of his current criminal record, as prepared by the Administrative Office of the Courts, with any application for renewal of his certification(s) and/or for additional certification(s). Talbert shall pay any expense incurred. If Talbert fails to satisfy this condition, his application for certification renewal and/or an additional certificate shall not be processed until such condition is satisfied.

**Vote:** *Unanimous*

18071001 Daniel Tuttle

Accept Agreed Order stating Tuttle voluntarily, knowingly, and intelligently surrenders Certificate Number 201193247, and agrees to not apply for, nor be issued, a teaching, administrative, or emergency certificate in the Commonwealth of Kentucky at any time in the future. Tuttle shall immediately surrender the original and all copies of his certificate, by personal delivery or first class mail, to the Education Professional Standards Board, 300 Sower Blvd. 5th Floor, Frankfort, Kentucky 40601.

**Vote:** *Unanimous*

20071267 Arlene Fuller

Accept Agreed Order admonishing Fuller for inappropriately engaging with an escalated student. A teacher in the Commonwealth of Kentucky has a duty to protect the health, welfare, and safety of her students. The Board reminds Fuller that, as an educator, she must set a positive example for her students. The Board will not tolerate any further incidents of misconduct from Fuller.

Fuller has submitted proof to the Board that she has completed a professional development course on the topic of de-escalation.

Moreover, prior to February 1, 2022, Fuller shall provide written proof to the Board that she has completed a professional development course on the topic of classroom

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management, as approved by the Board. Fuller shall pay any expense incurred. If Fuller fails to satisfy this condition, Certificate Number 201091380 shall be administratively suspended until such condition is satisfied.

Fuller is aware that should she violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

20071263 Eric Johnson

Accept Agreed Order admonishing Johnson for exercising professional judgment in his communication with students. He must use better judgment in the classroom to avoid even the appearance of impropriety. The Board will accept no further misconduct from Johnson.

Johnson has provided written proof to the Board that he has taken a course of training/professional development on the subject of proper educator ethics.

From the date the Board approves this Order, Certificate Number 200218644 shall be under a probationary period of two years and subject to the following condition:

Johnson shall not receive any disciplinary action related to proper student/teacher boundaries from any school district in which he is employed. If Johnson fails to satisfy this condition, Certificate Number 200218644 shall be administratively suspended pending Board review and disposition.

“Disciplinary action” is defined as any suspension, termination, or public reprimand issued by any school district in the Commonwealth of Kentucky and upheld, if requested, by either a tribunal and/or arbitration process, including any appeal therefrom.

Johnson is aware that should he violate KRS 161.120 in the future, the Board shall initiate a new disciplinary action and seek additional sanctions.

**Vote:** *Unanimous*

**Recommended Order**  
**Case Name**

**Decision**

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CF 201497 David Himes

Accept the hearing officer's Recommended Order to dismiss the foregoing action as withdrawn. The appeal is dismissed and the October 12, 2020 denial of Appellant's application for certification stands.

**Vote:** *Unanimous*

**Motions to Reconsider**

**Case Name**

1008462 Derek Marlow

**Decision**

Deny the Motion to Reconsider. Though Respondent's Tennessee certificate was ultimately restored, his previous revocation was not erased. Therefore, the basis for the Kentucky revocation is still valid. The Board found no justification for modifying the previous agreed order.

**Vote:** *Unanimous*

1611953 Reginald Caldwell

Deny the Motion to Reconsider for failure to state exceptional circumstances that would justify the modification of the original Agreed Order.

**Vote:** *Unanimous*

1304249 Adam Newton

Deny the Motion to Reconsider for failure to state exceptional circumstances that would justify the modification of the original Agreed Order.

**Vote:** *Unanimous*

Motion made by Dr. Ellis, seconded by Ms. Snell to adjourn the meeting.

**Vote:** *Unanimous*

*Meeting adjourned at 1:46 p.m.*

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